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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,589	04/17/2001	Shawn E. Wiederin	CDR-00-010	7867
25537	7590	04/05/2007		
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER CASLER, TRACI	
			ART UNIT 3629	PAPER NUMBER
			NOTIFICATION DATE 04/05/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/836,589	<b>Applicant(s)</b> WIEDERIN ET AL.	
	<b>Examiner</b> Traci L. Casler	<b>Art Unit</b> 3629	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This action is in response to papers filed on January 30, 2007.

Claims 1-40 are pending.

Claims 1-40 are rejected.

### ***Response to Arguments***

1. Applicant's arguments filed January 30, 2007 have been fully considered but they are not persuasive. As to applicants arguments regarding the combination of references do not meet the guidelines set forth by *In re Lee*, being based upon facts.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is not required to be taught in the prior art. However, the examiner notes that Cox identifies two problems in the background, one being that customers in mobile environment need a better way to receive the information they want when they do not have access to a pen and pencil to write the information down. Therefore, one of ordinary skill in the art would combine Gerszberg with Cox to solve the problem identified by Cox on how a user receives information(PG. 1 ¶ 4). Accordingly examiner

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has provided clear and particular evidence why one of ordinary skill would be motivated to combine Gerszberg and Cox.

3. In response to applicant's argument that the examiner undercuts the objective of Cox et al, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Cox discloses charging/billing by both the directory assistance and the cellular company. The Directory assistance charges the cell phone company a flat rate for so many of their cellular users requesting information from Directory assistance. The cellular company then passes those cost onto the cellular user by billing/charging for the number of times a cellular user accesses directory assistance.(Pg. 1 ¶ 6). Therefore, Cox teaches an objective of billing means and methods for both the Directory assistance and the cellular carrier.

4. As to applicants arguments that the references fail to teach "transmitting information associated with the plurality of directory listings..."(Pg. 16 ¶ 2). The examiner notes the applicant is not claiming the transmission of the directory listing, it is merely transmitting information associated with the listings. Therefore, this limitation can be interpreted in several different manners. The operator merely indicating the listings have been found, the operator indicating there are 6 "John Does" listed in Small

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town America, USA. As Gerszberg addresses in C. 3 I. 40-55 the user is provided the option to obtain more information about certain listings.

5. As to applicants repeated arguments that Cox makes the cellular provider responsible for billing and Gerszberg the directory assistance, therefore the combination is "legally erroneous" would "undo that system imposing responsibility on the directory service provider". The examiner again states... the test for obviousness is **not** whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. **Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.** See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The examiner again notes Cox identifies billing procedures for both Cellular providers and the directory assistance would therefore not undermine the objective of Cox.

6. As to applicants arguments that the examiner has fail to provide factual evidence for combining BOC with Cox. The examiners statement of "it is implied that the user previously selected the multiple listing". The examiner notes that the combination of the reference teaches selecting the listing. BOC teaches charging for those multiple selections. At this point applicant has gone away from arguing the references in combination but rather individually. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

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*Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. As to applicants arguments regarding the combination of Shah that Shah fails to teach the "partial directory information" again, applicant is arguing the reference individual rather than in combination. Cox and Gerszburg both teach sending part of the informaiotn. Cox Pg. 4 ¶ 40; teaches the user coming back for futher instructions/ directional information. This teaches that there is information that has not been supplied from the initial search(whole) therefore, only part or partial information has been supplied initially. Gerszberg teaches the user being provided with the option of more information about certain listing.(C. 32 l. 40-53). If the user can obtain more information regarding a listing this teaches that not all(whole) of the information has been supplied only part.

### ***Conclusion***

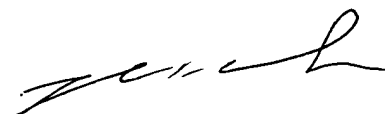
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC  


  
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